



Diana M. Batlle-Barasorda, Esq.

Direct No. (787)523-3579

E-Mail: dianabatlle@gmail.com

September 10, 2019

Adalberto Bosque
Remedial Project Manager
U.S. Environmental Protection Agency
City View Plaza II – Suite 7000
#48 PR-165 Km. 1.2, Guaynabo, PR 000968-8069 or

Vía Email: bosque.adalberto@epa.gov

**Re: San Germán Groundwater Contamination Superfund Site
San Germán, Puerto Rico**

Dear Mr. Bosque:

As you may recall, as legal representatives to the Puerto Rico Industrial Development Company (“PRIDCO”), we were able to participate in the public meeting held on July 30, 2019 by the Environmental Protection Agency (“EPA”) for the San Germán Groundwater Contamination Superfund Site and its Proposed Cleanup Plan for Operation Unit 2 (OU-2). The EPA notice informed the general public of the availability of this Proposed Cleanup Plan and the administrative record, so as to allow comments to be submitted before the August 11, 2019 public comment period deadline. The EPA, upon request at the public meeting, authorized and granted under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §9601, *et seq.*, an extension to the deadline for anyone interested to submit comments by today.

After using this additional time awarded by the EPA, PRIDCO was able to further review the administrative record and it can firmly reiterate the comments presented at the public meeting. Based on the Proposed Cleanup Plan, PRIDCO understands that a more thorough analysis is still required in order to conclude that the sources areas of the contamination for the site are located within the Wallace and former CCL properties. Even though these identified source areas have seen detections of contaminants in the soil and groundwater, the analysis of possible sources upgradient from these two source areas, has been extremely limited so as to disregard additional contaminant areas. As such, it is PRIDCO’s recommendation that before a final Record of Decision is made, EPA should consider a more specific sampling plan and investigation to determine the possibility of contamination arising from other properties that are upgradient from the Wallace and CCL lots, such as the industrial properties previously occupied by General

Electric and other adjacent properties. The reason for this recommendation is based on the following available information:

- 1) the EPA as part of its investigation, performed an analysis of several Groundwater Screening locations in the property upgradient from the Wallace and CCL source areas, were detections of Trichloroethene ("TCE") were found below the Maximum Contaminant Level (MCL) in two locations, as identified in Figure 4 of the Proposed Cleanup Plan;
- 2) these Screening Locations are based on only two samples that were analyzed, one of them at the depth of 21.7 to 25.7 feet bags, while the other was between 10.8 to 14.8 feet bags; which does not show a true and accurate analysis of the situation upgradient from the alleged contaminant area sources at the different areas and depths;
- 3) Tetrachloroethene (PCE) and TCE are contaminants that are not naturally occurring, thus their detections in any of the sampling and screening locations means that these substances were disposed or discharged there as they could not have appeared naturally;
- 4) any undetected contaminants that may exit upgradient to the source areas will contribute in affecting the remediation measures and goals, and assuring that compliance with the National Contingency Plan is not achieved by the proposed remediation plan;
- 5) any non-detected or non-investigated upgradient source areas that may exist, shall contribute in reducing the effectiveness of the selected remediation alternative.

Therefore, we reiterate that EPA should consider these comments before proceeding to issue the Record of Decision for this proposed cleanup plan. We sincerely hope that these brief comments allow the EPA to reconsider its position on the proposed plan and contemplate additional sampling analysis and investigation that will consider upgradient sources to the Wallace and CCL lots, so as to have a complete and accurate record for the applicable remediation plan.

If you have any questions, or would like to discuss further, please do not hesitate to contact us.

Sincerely,

/s
Diana Batlle



Carlos W. López Freytes
CWL Legal Services, PSC